IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.763 OF 2004
IN
SUIT NO.2270 OF 2004

Rabo India Finance P.Ltd. and Anr. ..Plaintiffs

Vs.

M/s.Ashima Ltd. ..Defendants

Mr.V.R.Dhond a/w Mr.C.S.Kapadia i/b Negandhi Shah and Himayatullah for the plaintiffs

Mr.P.C.Mankad for the defendants

CORAM : S.U.KAMDAR, J
DATED : 27TH SEPTEMBER, 2005

P.C.:

1. The present suit has been filed on 11 bills of exchanges and the claim in the present suit is sum of Rs. 9,48,31,659/- alongwith interest. Bills of exchanges which are annexed at Ex.A to the present suit. Defendant has filed reply. The only defence raised is that there is a notification that the defendant is a Bombay Relief Undertakings. The said notification has been issued by the State of Gujarat. In view of the fact that the said notification is issued under the said BRU by the

State of Gujarat the said notification does not have any extra territorial operation. In that view of the matter, notification does not apply in the present case.

2. In so far as other contention is concerned that the defendant company is being restructured by the various financial institutions, there can be a defence on the merits of the case. In that view of the matter, Summons for Judgment is made absolute. Suit is decreed. Suit as well as summons for judgment are disposed of accordingly. Refund of court fee as per rules.